Calendar No. 132

99TH CONGRESS
1st Session

SENATE

REPORT
99-57

TOXIC SUBSTANCES CONTROL ACT AUTHORIZATIONS

MAY 15, (legislative day, APRIL 15), 1985.—Ordered to be printed

Mr. DURENBERGER, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1143]

The Committee on Environment and Public Works reports an original bill (S. 1143) to amend the Toxic Substances Control Act to authorize appropriations for fiscal year 1986, having considered the same, reports favorably thereon without amendment and recommends that the bill (as amended) do pass.

GENERAL STATEMENT

The Toxic Substances Control Act (TSCA) provides broad authority to identify and control risks to human health and the environment that arise from exposure to toxic chemical substances. It authorizes programs to assure that new chemicals are subjected to a health and environmental safety review before they are manufactured for commercial purposes and to require testing of chemicals that may present an unreasonable risk of injury to health or the environment.

The Act also requires reporting to the Environmental Protection Agency of information in the possession of chemical manufacturers and processors that indicates that a chemical substance may present a substantial risk. This information may be shared with other pollution control programs and with other Federal agencies to support their programs to regulate toxic pollutants. A broad range of regulatory actions also can be taken under the authority of the Toxic Substances Control Act, including responses to emerging toxic pollution problems that may be addressed adequately by the authorities in other laws.

The pace of activity under the Toxic Substances Control Act is continuing to increase in all major program areas. The Agency

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projects an increase in the amount of testing of existing chemicals as recommended by the Interagency Testing Committee, the number of premanufacture notices for new chemicals to be processed and the number of existing chemicals requiring detailed risk assessment and regulatory action.

In summary, toxic substances control activities to control risks to public health and the environment are increasing. Reporting mechanisms already in place will identify more potential problems from chemical exposure that must be assessed and regulated if necessary. Therefore, the Committee approved an authorization that is larger than that sought by the Administration.

SUMMARY OF THE BILL

The Committee recommends that the Toxic Substances Control Act be reauthorized through fiscal year 1986. It further recommends that $61,736,100 be authorized to be expended for carrying out the purposes of the Act as follows:

Sec. 28(d)	$2,300,000
Sec. 29	59,436,100
Total	61,736,100

Section 28 of the law authorizes grants to the States for "programs to prevent or eliminate unreasonable risk, within the State, to health or the environment which are associated with a chemical substance or mixture." In the past, these grants have been used successfully to support cooperative agreements with several States, under which the States undertook responsibility for monitoring compliance with regulations concerning polychlorinated biphenyls (PCB's). The funds authorized to be appropriated would allow continuation of the present cooperative agreements and an expansion of the program to include additional States.

The expenditures authorized by section 29 are needed to continue the development of program capability under the Toxic Substances Control Act and to meet an increasing workload due to increased reporting about potential unreasonable risk and increased testing of chemicals.

The authorization also allows room to restore in fiscal year 1986 funding reprogrammed from the TSCA congressional appropriation in fiscal year 1985. Fiscal year 1985 appropriations for TSCA were reduced by the Administration to fund activities mandated by amendments to the Solid Waste Disposal Act enacted at the end of the last session. While activities mandated by the reauthorization are of great value, the Agency should not adopt a practice of reducing funding for ongoing programs and projects whenever new activities are mandated.

The Senate budget Resolution assumes that the 5 percent pay cut proposed by the Administration for Federal civilian employees for 1986 will not be enacted, and the Administration's proposal should not be applied to the Agency's Toxic Substances program personnel.

HEARINGS

Three days of hearings on implementation of the Toxic Substances Control Act were held in the last Congress. It is anticipated that additional hearings will be conducted later this year to consider additional changes which may be required to amend the Act.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

There were no rollcall votes taken, the bill was ordered reported by voice vote.

EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires the committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any significant new regulatory burden.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of the reported bill prepared by the Congressional Budget Office. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for a bill to amend the Toxic Substances Control Act to authorize appropriations for fiscal year 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

JAMES BLUM,
(For G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: Not yet assigned.

2. Bill title: A bill to amend the Toxic Substances Control Act to authorize appropriations for fiscal year 1986.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, May 2, 1985.

4. Bill purpose: The bill authorizes appropriations of $59.4 million for the Environmental Protection Agency (EPA) to implement

the provisions of the Toxic Substances Control Act for fiscal year 1986. The bill also authorizes the appropriation of $2.3 million in fiscal year 1986 for grants to fund state toxic enforcement programs. The President's 1986 budget request for toxic substances programs is $56 million; fiscal year 1985 appropriations to date have been $56.9 million.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization level	61.7				
Estimated outlays	29.6	24.1	4.9	1.9	1.2

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, the full amount authorized by the bill is assumed to be appropriated prior to the beginning of fiscal year 1986. Outlays have been estimated on the basis of historical spending patterns for this program.

6. Estimated cost to State and local governments: None.

7. Estimated comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary to dispense with the requirement of section 12 of Rule XXVI of the Standing Rules of the Senate in order to expedite the business of the Senate.

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Calendar No. 133

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REPORT
99-58

AUTHORIZATIONS FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS

MAY 15 (legislative day, APRIL 15), 1985.—Ordered to be printed

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Mr. DURENBERGER, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1144]

The Committee on Environment and Public Works, reports an original bill (S. 1144) to authorize appropriations for environmental research, development, and demonstrations for fiscal year 1986 and recommends that the bill do pass.

GENERAL STATEMENT

As reported, the bill authorizes $327,580,000 for fiscal year 1986 for the Environmental Protection Agency's research and development program.

The Agency's environmental research and development program has sustained significant funding cuts from fiscal year 1980. This program has been reduced more severely than any other program at the Agency over the past five years. Yet it provides the information base for short-term regulatory decisionmaking and long-term studies of health and environmental impacts from contamination and effective pollutant control technologies. Therefore, reductions in this program will diminish the Agency's ability to fulfill its mandated responsibilities and effectively respond to anticipated environmental problems.

The funding level in the bill is based on the program level requested by the President for 1986. The authorization also allows for the restoration of funds reprogrammed from research and development activities in fiscal year 1985.

Fiscal year 1985 congressional appropriations were reprogrammed by the Administration to fund activities mandated by the

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Hazardous and Solid Waste Amendments of 1984 enacted at the end of the last session. While activities mandated by the reauthorization are of great value, the Agency should not adopt a practice of reducing funding for ongoing programs and projects whenever new activities are mandated.

The Senate Budget Resolution assumes that the 5 percent pay cut proposed by the Administration for Federal civilian employees for 1986 will not be enacted, and the Administration's proposal should not be applied to the Agency's research and development program personnel.

The authorization of $327,580,000 is not broken down into specific functional categories. The Committee intends to complete a review of specific programs to determine the adequacy of EPA's proposed research program to meet statutory requirements and react to emerging problems. Upon completion of this review, the Committee will recommend funding levels for individual programs and develop substantive amendments to this bill later this year.

In years past, the environmental research and development program has been authorized on a yearly basis. This short-term authorization has been particularly problematic in view of the budget fluctuations the program has experienced. It has resulted in uncertainties and shifts in emphasis in ongoing research activities causing delays, loss of momentum, and wasted tax dollars. In view of the fact that productive research is a long-term activity which suffers from sudden shifts in direction, the Committee will explore the possibility of multi-year authorization for portions of EPA's research program.

Hearings

Hearings were held by the Subcommittee on Toxic Substances and Environmental Oversight in the last session on the authorization of EPA's environmental research, development, and demonstration programs and funding needs.

Rollcall Votes

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works requires that any rollcall votes taken during consideration of the bill is announced in this report. On May 2, 1985, the Committee reported the bill to authorize funding for EPA's environmental research, development and demonstration programs by voice vote.

Evaluation of Regulatory Impact

In compliance with section 11(b)(1) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the reported bill.

The bill authorizes no new regulatory authority, removes no regulatory authority, and creates no new regulatory implications.

Cost of Legislation

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of

the reported legislation prepared by the Congressional Budget Office. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for a bill to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

JAMES BLUM
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Not yet assigned.

2. Bill title: A bill to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1986.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, May 2, 1985.

4. Bill purpose: This bill authorizes the appropriation of $327.6 million for fiscal year 1986 for the Environmental Protection Agency's research, development, and demonstration activities in ten program areas. These areas are: air quality, water quality, drinking water, solid and hazardous waste (including Superfund), pesticide, radiation, interdisciplinary, toxic substance, energy, and program management and support activities.

The authorized amount is $35 million more than the $293 million appropriated for these activities in fiscal year 1985 to date and exceeds the President's 1986 budget request by about $16 million.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization level	328				
Estimated outlays	145	100	50	22	11

The costs of this bill fall within budget function 300.

Basis of estimate: The authorization level is as stated in the bill and is assumed to be appropriated in full prior to the beginning of fiscal year 1986. Outlays are estimated based on historical spending patterns for these programs. Because the bill does not specifically allocate funds among program areas, it has been assumed that this allocation would approximate recent experience.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 8, 1985, the Congressional Budget Office prepared a cost estimate for H.R. 2319, a similar bill ordered reported by the House Committee on Science and Technology. The House bill authorizes $3 million less for 1986, and the cost estimate reflects that difference.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

CHANGES IN EXISTING LAW

Section 12 of Rule XXVI of the Standing Rules of the Senate requires publication of any changes made in existing law by the reported bill.

This bill makes no changes in existing law.

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